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**The situation in Afghanistan and its implications for international peace and security**

## Letter dated 23 November 1999 from the Secretary-General addressed to the President of the General Assembly

I have the honour to transmit to you herewith a summary of the report of the United Nations Investigation Team for Afghanistan, submitted by the Office of the United Nations High Commissioner for Human Rights (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of all Member States.

(*Signed*) Kofi A. **Annan**

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# Annex

## Summary of the report of the United Nations investigation team for Afghanistan, submitted by the Office of the United Nations High Commissioner for Human Rights

## I. Introduction

1. The report of the United Nations investigation team for Afghanistan was prepared pursuant to General Assembly resolution 52/211 B of 19 December 1997, the statement by the President of the Security Council of 16 December 1997 (S/PRST/1997/55) and Security Council resolution 1193 (1998) of 28 August 1998.

## II. Issues involved

2. The report summarizes the results of an investigation into allegations of serious violations of international human rights or humanitarian law, including allegations of reported mass killings of prisoners of war and civilians, incidents of rape in northern Afghanistan in 1997, and reports of atrocities alleged to have taken place in Mazar-e-Sharif and Bamyan in August 1998 in the wake of the Taliban conquests of those cities.

## III. Previous efforts to investigate

3. In May 1998, the United Nations High Commissioner for Human Rights sent a team to Afghanistan to determine the feasibility of carrying out an investigation. The team recommended two main areas in which investigations should be conducted, namely in the east of the country (Mazar-e-Sharif) and in the west (Qaisar).

4. During a mission he undertook in December 1997, the Special Rapporteur on the situation of human rights in Afghanistan visited a number of burial sites in the vicinity of Shiberghan, including an area in which people were alleged to have been thrown into nine water wells. The forensic expert who accompanied the Special Rapporteur subsequently excavated 10 bodies from a grave located 3 kilometres west of Shiberghan. According to the forensic expert, these individuals were all young men whom he concluded were battle casualties. There was no evidence that they were prisoners who had been deliberately executed. On 11 December 1997, the Special Rapporteur and his team also visited a stretch of highway between Mazar-e-Sharif and Hairatan, where numerous bodies could be observed at several sites. At one location, the team saw bodies that had been tied up either individually or several at a time. There were many bullet cartridges and the bodies were largely covered with sand, lying in a row on either side of a ridge. The accompanying forensic expert concluded that, of the three areas he visited, two areas contained evidence that might support allegations of human rights abuses. In addition, the Special Rapporteur visited the villages of Qezelabad, Dehdadi and Sheikhabad, all of which are near Mazar-e-Sharif, where massacres allegedly took place in September 1997.

## IV. Appointment of the investigation team and methods of operation

5. On 30 April 1999, when security conditions finally permitted, the High Commissioner for Human Rights appointed the United Nations investigation team for Afghanistan. The mandate of the team was to investigate independently allegations of mass killings committed in northern and central Afghanistan during the period from 1 January 1997 to 31 December 1998, with a view to establishing the facts of the alleged violations and the responsibility of the alleged perpetrators. The team employed the following methods of investigation:

(a) Collection and analysis of information received by the team;

(b) Conduct of interviews with individuals, whether they were survivor witnesses or witnesses who provided information on other relevant facts;

(c) Undertaking of field missions to appropriate locations in Afghanistan and other countries in order to obtain additional information, take testimony and, as far as possible, verify facts;

(d) Information-gathering on behalf of the team by certain Governments or governmental agencies in various countries.

6. In response to the request of the team for assistance addressed to United Nations bodies, research institutions, non-governmental organizations, experts, media and individuals, a considerable amount of reference material was received relating to the events or containing information about the situation in northern and central Afghanistan in general.

7. A number of investigative missions were undertaken to countries that had received refugees or in which individuals had stayed or had taken up residence. Several missions with the same aim were carried out in Afghanistan. The team was deployed close to the area of operations on 6 July 1999 and began to be phased out on 18 August 1999. A reduced team, with the expectation of additional substantial information-gathering and hearings with witnesses, continued to investigate the situation up to the end of September 1999. The team had a number of contacts with embassy and foreign ministry officials. It sought their assistance in providing relevant information for the purpose of the investigation.

## V. Attitudes of the parties

8. Both the Taliban movement and the United Front (formerly known as the Northern Alliance) have denied all of the allegations directed against them.

9. One of the determining factors was the extent of cooperation to be granted by the parties to the conflict. The expected cooperation included security guarantees for the team, the guarantee of free access to all locations and all sources of information, the protection of massacre and common grave sites, guarantees with respect to witnesses interviewed by the team and the facilitation of entries and departures of the team. The terms of reference were given to the parties involved in the conflict at an early stage of the investigation. Of crucial importance for the investigation was the attitude of the Taliban because it had de facto control over the area in which the relevant events took place. With regard to the terms of reference, the response was positive, both from the Taliban and the United Front. In addition, the team requested from the parties an official version, that is, a description of the course of events. Despite promises and multiple interventions, the Taliban authorities did not produce the document. The United Front authorities, addressed through the embassy at Dushanbe, never reacted, despite reminders. A number of faction leaders gave partial information in the context of specific events and offered a number of witnesses. No comprehensive description was given, however, and no evidence in support of the facts was offered.

10. The Taliban authorities at Mazar-e-Sharif granted access to some sites freely and without obstacle. It was different when the team requested access to other sites. The details are given below.

11. The use of forensic experts was envisaged by the team. When, however, it became apparent that known massacre sites had been cleared by the Taliban authorities, it was clear that practically no physical evidence remained that needed immediate examination to safeguard evidence that would otherwise be lost.

## VI. Locus I: alleged mass killings of Taliban prisoners

12. In early 1997, two high-ranking representatives of the Taliban and four political and military leaders of Jumbesh-i-Melli (National Islamic Movement), signed a protocol in which the signatories agreed on a joint operation against their enemies. In the ensuing combat, numerous allegations were made of looting and rape by Taliban forces and of the mass killing of Taliban soldiers who had been taken prisoner. The team was not provided with evidence of the alleged looting and rape by Taliban forces. A high-ranking Taliban official claimed that 4,050 fighters had been captured, detained in several prisons and subsequently killed. He mentioned in this context Mazar-e-Sharif (1,350), Shiberghan (1,600) and Maimana (1,100). Another source said that, of the more than 900 detained Taliban members in Mazar-e-Sharif, some 800 had been transported in container trucks to Dasht-e-Leili and the Hairatan desert and killed.

13. The team made considerable efforts to obtain detailed information about the alleged killings. Among others, various Taliban authorities were requested to provide the team with evidence and complementary information. In addition, the team officially requested interviews with a number of key persons. Despite assurances from their officials, the Taliban authorities failed to open their files as promised and to present the

survivor witnesses and other witnesses whom the team had specifically asked to interview. On 17 June 1999, the Chief of Mission was told by a senior Taliban Official that the authorities had removed the remains of the victims of the alleged killings from the various sites in northern Afghanistan and had transported them for reburial to a graveyard near Kandahar. The team visited the graveyard where an estimated 2,000 bodies are buried. It was reported that an unknown number of bodies had been handed over to the families. Despite requests, no official documentation was provided to show from where the bodies had been taken or the condition in which they had been found, and no description was given of the circumstances under which the victims had died. By means of numerous interviews, the team sought evidence with a view to obtaining the facts. A number of witnesses could not be interviewed owing to the ongoing fighting that erupted in July.

14. Indications from the preliminary investigation and information received from other sources led the team to visit a number of sites at which Taliban prisoners had allegedly been executed.

15. On 5 August 1999, the team visited five sites in the area near the highway leading from Mazar-e-Sharif to Hairatan. All of the sites are situated in a desert, exposed to winds that steadily change the sandy surface. There is hardly any vegetation. No conclusion could be drawn from these sites. The team visited the site of the nine wells, located less than 50 kilometres west-south-west of Shiberghan. There were nine separate wells located in an area 120 metres square. When the team visited the site on 7 August, the wells were open at the top and some of them were slightly covered with water at bottom. No human remains could be seen.

16. In the aftermath of the Taliban defeat in the north of Afghanistan in May 1997, the International Committee of the Red Cross (ICRC), despite numerous interventions, did not have access to any prisons or places of detention in the north of Afghanistan. Consequently, no registration of the persons detained could take place and the conditions of detention could not be assessed.

## VII. Locus II: alleged killings by the Taliban in the area of Mazar-e-Sharif

17. In September 1997, the Taliban started a new offensive from their positions at Kunduz. They advanced to the Mazar-e-Sharif airport. Simultaneously, allied Pashtu forces took up positions to the west of Mazar-e-Sharif. The United Front, assisted by General Rashid Dostum, was able to push the Taliban back within a matter of days.

18. The team received a number of allegations brought against the Taliban forces, including the killing of unarmed civilians in places such as Dawlatabad, Dehdadi, Sheikhabad and Qezelabad. There was, however, no substantiated evidence concerning the first three places mentioned. According to one source, 42 civilians had allegedly been killed at Qezelabad.

19. During the broad-based information-gathering by the investigation team, no additional information could be obtained. The identification of witnesses and witness interviews could not be carried out in the area concerned because tension during the team's stay at Mazar-e-Sharif was high as hostilities broke out north of Kabul and other places as near as Samangan province. The team did not consider it appropriate to put witnesses at risk. Two interviews with witnesses were conducted outside Afghanistan. In addition, a videotape was received, taken one day after the Taliban retreat.

20. According to one witness, many dead bodies lay on the road in the village of Qezelabad. No detailed account however, could be obtained of the course of events or about the perpetrators. A second witness said that 42 persons had been killed in Qezelabad but could not give any details since he was not present and hence could provide only hearsay evidence.

21. Qezelabad is a small village near the airport of Mazar-e-Sharif. The team, well in advance of its visit, notified the authorities of the village, which was among 20 other places in and around Mazar-e-Sharif where killings by the Taliban had allegedly taken place. During the stay of the team at Mazar-e-Sharif, the local authorities objected to the visits being carried out. On 8 August 1999, the team intended to go to Qezelabad to do investigative work. On that very morning, the team was denied a visit by the Head of the Office of the Foreign Ministry at Mazar-e-Sharif, who claimed that

no killings had taken place at that location and that the team was not entitled to carry out a local residential investigation. Representations on the spot proved to be futile and the team was only allowed to see four sites at Mazar-e-Sharif. Permission to visit Qezelabad was received the following day, but only after an intervention had been made to the Ministry of Foreign Affairs. The visit was subsequently made on 10 August when the team was able to photograph the site but was not able to identify massacre or mass grave sites. Since the team was accompanied by a Taliban escort, no personal contacts were made.

22. No official document is available that describes the course of events. The team was not provided with an official version of the events, as requested through the various official and unofficial channels. On 20 September 1999, the team received a videotape. The videotape was made by an identified individual but clear identification of the material and the proper handling procedure, including interviewing of the person and analysis of the material, has not yet taken place.

23. So far, no eyewitness have been interviewed. There were serious obstacles to a proper crime-scene investigation. Since only circumstantial evidence was presented, the investigation had to be terminated. It cannot be expected that the Taliban authorities will investigate the case further since the potential perpetrators are on the Taliban side.

## VIII. Locus III: alleged human rights violations in the area of Qaisar

24. Between 15 and 30 December 1997, the Taliban moved its front line from Dubai to Kezel Kota, about 19 kilometres east of Qaisar. During this period, the Taliban captured and held, among others, the villages of Hazara-Qala, Qaisar and Kezel Kota. A considerable force was involved, including ground troops and the airforce. It was reported that about 2,500 Taliban fighters, supported by 1,500 local Pashtu, had attacked Qaisar. By the end of the month, the Taliban force had been driven back by troops under the command of General Abdul Rashid Dostum. The exact number of casualties is unknown, as is the number of prisoners taken.

25. Allegations were made that 600 to 1,000 unarmed villagers had been killed. It was reported that after the capture of the villages, the Taliban had assembled the villagers, asking them to convince those who had fled to return. Subsequently, the villagers and the returnees were reported to have been killed at Qaisar and the surrounding villages. Reports also mention aerial bombardments of Qaisar and Maimana, which caused an unknown number of casualties among the civilian population.

26. The investigation team did not succeed in identifying any witnesses. For the time being, it is impossible to search for witnesses in an area under the control of the Taliban, specifically since no witness protection programmes are in place. In addition, a thorough investigation would require substantial means in terms of personnel and material. Any in-depth investigation would have to clearly distinguish between battle casualties and civilians killed *hors de combat*.

27. After the counter-attack of the joint forces of the United Front in September 1998, residents of Mazar-e-Sharif lived through a period of considerable insecurity. The Taliban forces attacked again and advanced to the Balkh provinces, where they prepared for the final attack on Mazar-e-Sharif. General Dostum was ousted for a second time, and Hezb-e-Wahdat remained as the main credible force to defend Mazar-e-Sharif. It was assisted by the Jamiat and Harakat forces and what remained of Jumbesh-i-Melli. The Taliban, reinforced by local Pashtu, took over the strategic points of the city and the main roads. They patrolled the city and mounted checkpoints. There are numerous reports of random killings. Reportedly, orders were given by key Taliban commanders to crack down on ethnic minorities, such as the Hazara, Uzbeks, Tajiks or Arabs. House-to-house searches were well planned, persons and locations were searched thoroughly, and mainly men of the minority groups were arrested or shot on the spot and their bodies put out on the streets as a deterrent. These operations continued for several days. An unknown number of people fled and there are reports that those fleeing came under attack by the Taliban air force.

28. The events at Mazar-e-Sharif in August 1998 were widely reported by the international media. The Special Rapporteur issued an interim report, estimating that approximately 3,000 Hazara had been summarily executed in their homes or on the streets during the first six days after the takeover of Mazar-e-Sharif by the Taliban.

29. The team concentrated its efforts on establishing the facts concerning the killing of civilians and the killing of persons detained in the context of the conflict. It had at its disposal numerous accounts by persons who had fled and taken refuge outside Afghanistan. In addition, the team tried to identify such refugees in several countries where they had applied for asylum. The team was able to interview a number of individuals in several countries. The team made considerable efforts to gain access to witnesses to the events and to suspects in Afghanistan and elsewhere. The team undertook to obtain an official version of the events from the various parties involved. Among others, the team addressed requests to experts and sought clarifications concerning a number of media reports about the events.

30. A number of credible witness statements were obtained describing searches of persons and the locations in which they had taken place, the killing of unarmed male inhabitants, the fact that their bodies were then dragged out onto the street and the fact that a number of men had been arrested and taken away. In this context, it became apparent that witnesses, because of the prevailing situation, could not describe the entire sequence of events since they were mainly confined to their own locations. There was a general tendency to repeat second-hand information (so-called hearsay enriched by imagination and by traumatic experience). The team is not in a position to give a representative factual description of the instances of the killing of civilians. Those who had carried out the house-to-house searches were generally described as members of the Taliban, recognizable either by their appearance and dress or by their language.

31. There are numerous accounts of persons arrested during the events. At that time, ICRC did not have access to prisoners. A few days after the takeover of Mazar-e-Sharif by the Taliban, the authorities started to transfer prisoners to other places of detention. According to witnesses, prisoners transported in container trucks and trucks covered with sheeting were brought to Shiberghan jail. Upon arrival, the witnesses saw that persons transported in the container trucks had suffocated and reported that almost all of them were dead. In addition, witnesses suffered torture and other ill-treatment.

32. No comprehensive description of the events, as had been requested of various officials, was given to the team.

## IX. Locus IV: alleged atrocities in Bamyan

33. After the capture of Mazar-e-Sharif, the Taliban forces advanced through Samangan and Baghlan province and headed towards Bamyan. The team was told that, while no major incident of killings of civilians at Bamyan had been reported, such incidents had occurred in the surrounding area. According to one source, Taliban fighters had opened fire on civilians, causing the deaths of 54 persons. The force was reported to have left the place after looting it. Another source alleged that the number of people killed in nearby villages between 15 and 17 September 1998 was as many as 240. No description of the circumstances was, however, given.

34. During the investigation, it was established that Hezb-e-Wahdat had held more than 100 captured Taliban fighters in detention. According to the leader of Hezb-e-Wahdat, these prisoners were regularly visited by ICRC. Several witnesses claimed that between 40 and 50 prisoners had been killed shortly before the Taliban captured Bamyan. A number of suspects were named and allegations were made against the leadership of Hezb-e-Wahdat. The exact course of events could not be established.

## X. Conclusion

35. From the foregoing, it will be seen that:

(a) Little information was forthcoming from the parties;

(b) Information provided by others and by persons interviewed was patchy;

(c) The evidence seen at the sites visited was inconclusive;

(d) Access was denied to some sites;

(e) Allegations against both parties have been made at different times;

(f) Neither party extended meaningful cooperation;

(g) Clearly, killings of civilians had taken place and there had been serious violations of international humanitarian law and human rights. For the reasons indicated above, however, the investigation team was unable to reach definitive conclusions.